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EXAMINER

APPIAH, CHARLES NANA

ART UNIT

PAPER NUMBER

2686

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,621

Applicant(s)

STERN ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-14, 16-20, 22, 24-42, 44-47, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by **Stewart (5,835,061)**.

Regarding claim 1, Stewart discloses a method for facilitating delivery of data, comprising: determining a location associated with a device, wherein the device is associated with a person (access point determines whether the mobile unit is within range of the access point, col. 3, lines 64-67), determining data associated with the person (access point scans mobile unit to determine whether the mobile unit I.D. matches a pre-stored ID, col. 4, lines 1-4), determining a plurality of transmitters based at least in part, on the location, wherein the at least one of the plurality of transmitters is capable of transmitting data via a wireless signal to the device (see col. 4, lines 8-21), and providing the data associated with the person to at least one of the plurality of transmitters (see col. 4, lines 36-55).

Regarding claim 2, Stewart further discloses wherein the determining a location associated with a device, wherein the device is associated with a person (mobile user) includes detecting the presence of the person at the location (see col. 4, lines 48-53).

Regarding claim 3, Stewart further discloses wherein the determining data associated with the person includes at least determining the data based, at least in part, on an attribute of the device (see col. 4, lines 1-4), or determining, the data based, at least in part, on a geographic area that includes the location (see col. 4, lines 5-15).

Regarding claim 4, lines Stewart further discloses wherein the determining data associated with the person includes at least one of the following: determining the data based, at least in part, on an attribute of the person (see col. 4, lines 1-4), determining data to be provided to the device when the device is in the location (see col. 4, lines 56-65).

Regarding claim 5, Stewart further discloses wherein the determining a plurality of transmitters, based, at least in part, on the location, wherein at least one of the plurality of transmitters is capable of transmitting data via a wireless signal to the device includes at least one of the following: selecting at least one of the plurality of transmitters based, at least in part (see col. 4, lines 1-4), on an attribute of the person or the device the location or at least one transmitter that can transmit the signal into a geographic area that includes the location (see col. 4, lines 36-65).

Regarding claim 6, Stewart further discloses the providing the data associated with the person to at least one of the plurality of transmitters includes at least one of the following: providing the data to a transmitter nearest the location or providing an electronic communication that includes the data a communication service, and providing an electronic communication that includes the data to the at least one of the plurality of transmitters (see col. 3, lines 10-18).

Regarding claim 7, Stewart, further discloses receiving a request to provide the data to the person (see col. 4, lines 56-65).

Regarding claim 8, Stewart discloses wherein the request is received from one of the following: the person, and an owner of the data (see col. 4, line 56 to col. 5, line 6).

Regarding claim 9, Stewart further discloses determining the device (see col. 6, lines 3-9).

Regarding claim 11, Stewart further discloses wherein at least one of the plurality of transmitters is stationary (see AP 10, Fig. 1).

Regarding claim 12, Stewart further discloses wherein at least one of the plurality of transmitters comprises at least one of the following: an apparatus capable of detecting a location of the device, an apparatus capable of detecting proximity of the device (see col. 3, lines 10-26, col. 4, lines 48-65).

Regarding claim 13, Stewart further discloses wherein the data associated with the person includes at least information related to the location (see col. 4, lines 58-65).

Regarding claim 14, Stewart further discloses receiving compensation for the providing the data (feature of provision of service billing mechanism, see col. 3, lines 60-63, col. 5, lines 18-21).

Regarding claim 16, Stewart further discloses wherein the data is based, at least in part, on the location (see col. 4, lines 61-65).

Regarding claim 17, Stewart further discloses receiving the data (see col. 7, lines 6-32).

Regarding claim 18, Stewart's teaching as illustrated by the mobile initiating a request for information from the network e.g., the user of the mobile unit finding the location of the nearest ATM by entering the request into the mobile unit which will be received by the nearest AP which forwards this request to for information to the network with the network routing the request to a service and information provider who obtains and transmits the information to the mobile unit through the AP (see col. 7, lines 40-49), reads on providing to a first party an acknowledgment of a receipt of the data by a second party.

Regarding claim 19, Stewart further discloses wherein the location is at least one of the following: a geographic area or a boundary of a geographic area (see col. 5, lines 7-30).

Regarding claim 20, Stewart further discloses providing an indication of a location of at least one of the plurality of transmitters and determining a range of coverage provided by at least one of the plurality of transmitters (see col. 6, lines 3-26).

Regarding claims 22 and 24, Stewart further discloses wherein the location is fixed and has a boundary that is fixed (see col. 3, lines 10-25).

Regarding claim 25, Stewart further discloses establishing and receiving a subscription associated with the person, wherein the subscription entitles the person to receive the data (see col. 5, lines 7-17).

Regarding claim 26, Stewart's teaching of users being able to contract for unlimited access for a fixed fee or for a time billed access as well as being able to maintain service usage records for billing and other purposes being maintained in an

automated database (see col. 5, lines 12-21), reads on receiving compensation as a result of providing the data, and determining a compensation due from the person.

Regarding claim 27, Stewart discloses a method for facilitating delivery of data, comprising: determining a location associated with a person (see col. 3, lines 64-67), determining data associated with the person (col. 4, lines 1-4), associating a data perimeter with the person based, at least in part, on the location, the perimeter including at least one transmitter capable of transmitting a wireless signal (see col. 4, lines 8-21), and providing the data to at least one transmitter (see col. 4, lines 36-55).

Claim 28 is rejected for the same reasons as set forth in the rejection of claim 2 above.

Regarding claim 29, Stewart further discloses wherein the associating a data perimeter with the person based, at least in part, on the location, the perimeter including at least one transmitter capable of transmitting a wireless signal includes at least determining at least one transmitter within the location (see col. 3, line 64 to col. 4, line 21).

Regarding claim 30, Stewart further discloses wherein providing the data to the one transmitter includes at least: providing the data to a transmitter nearest the location or providing an electronic communication that includes the data a communication service, and providing an electronic communication that includes the data to the at least one of the plurality of transmitters (see col. 3, lines 10-18).

Regarding claims 31 and 35, Stewart discloses a method for facilitating delivery of data, comprising: determining a data perimeter associated with a person, wherein the

data perimeter includes at least one transmitter capable of sending a wireless signal (see col. 3, lines 64-67), determining data to be provided to the person and providing the data to the data perimeter (based on inquiry through the AP by a mobile unit to locate the nearest ATM, and the service provider responding with a message such as 'Straight ahead to exit 3, turn right and proceed two blocks, which message is routed to the user through the same AP, see col. 4, lines 58-65).

Regarding claim 32, Stewart further discloses wherein the determining a data perimeter associated with a person, wherein the data perimeter includes at least one transmitter capable of sending a wireless signal includes at least determining at least one transmitter that can transmit the signal into a geographic area that includes the location (see col. 3, line 64 to col. 4, line 21).

Regarding claim 33, Stewart further discloses wherein the providing the data to the data perimeter includes at least providing the data to a transmitter nearest a location of the person or providing the data to at least one transmitter that can transmit the signal into a geographic area that includes a location of the person or a device associated with the person (see col. 3, lines 10-18, col. 4, lines 58-65).

Regarding claim 34, Stewart further discloses wherein the perimeter includes a plurality of transmitters (see col. 8, lines 38-47).

Regarding claim 36, Stewart further discloses wherein the determining data to be provided to a location includes at least receiving a request to provide the data to a person at the location (see col. 4, lines 56-61).

Regarding claim 37, Stewart further discloses wherein determining a data perimeter associated with the location includes at least determining at least one transmitter within the location or determining at least one transmitter that can transmit the signal into a geographic area that includes the location (see col. 3, line 64 to col. 4, line 21).

Regarding claim 38, Stewart discloses a method for facilitating delivery of data comprising: determining a device associated with a person (see col. 4, lines 56-59), determining data associated with a data perimeter, wherein the data is to be provided to the device (see col. 4, lines 60-61), and providing the data to the device (see col. 4, lines 61-65).

Regarding claims 39 and 40, Stewart further discloses determining a location of the device (mobile unit) and the location of the person (user) (see col. 4, lines 56-63).

Regarding claim 41, Stewart further discloses determining the data perimeter (see col. 4, lines 56-62).

Regarding claim 42, Stewart further discloses wherein the data associated with a data perimeter includes at least information regarding a geographic area covered by the data perimeter, information regarding an object within a geographic area covered by the data perimeter and information regarding a building within a geographic area covered by the data perimeter (see col. 4, lines 56-65).

Regarding claim 44, Stewart further discloses wherein determining data associated with a data perimeter, wherein the data is to be provided to the device

includes at least one of: determining data associated with the person regarding a data perimeter that covers the location, determining data to be provided to the device via the data perimeter when the device is in the location and determining data to be provided to the person via the data perimeter when the device is in the location (see col. 4, lines 58-65).

Regarding claim 45, Stewart further discloses wherein determining data associated with a data perimeter, wherein the data is to be provided to the device includes at least one of the following: determining information regarding a location of the data perimeter, determining information regarding a transmitter that is included in the data perimeter, determining information regarding a geographic area covered by the data perimeter, determining information regarding an object within a geographic area covered by the data perimeter (see col. 4, lines 56-67).

Regarding claims 46-50, Stewart discloses a system and a computer program product in a computer readable medium for providing data comprising: a memory (22), a communication port (10) and a processor (21, and inherent in AP 10), connected to the memory and the communication port, the processor being operative to: determine a data perimeter associated with a person (see col. 3, line 45 to col. 4, line 21 and col. 4, lines 35-59), determine data to be provided to the person (see col. 4, lines 59-61) and provide the data to the data perimeter (see col. 4, lines 62-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart** as applied to claim 1 above, and further in view of **Lee (6,246,883)**.

Regarding claims 10, 21 and 23, Stewart fails to specifically disclose wherein at least one of the plurality of transmitters is mobile and the location has a boundary that is movable.

Lee discloses a mobile base station, which is used for periodically traveling to a particular area and transmitting and/or receiving information to and/or from a user within the area (see col. 1, lines 34-58). According to Lee, the use of a mobile base station facilitates a broad range of wireless services that otherwise may be unavailable such as broadband information like multimedia products which is beyond the capability or practical use of conventional cellular and wireless systems (see col. 2, lines 50-63, col. 3, lines 27-40).

It would therefore have been obvious to one of ordinary skill in the art to use the mobile base station system of Lee with Stewart's geographic-based communications service as this will facilitate a broad range of wireless services such as multimedia services to subscribers which would otherwise be unavailable in

conventional cellular or wireless systems without the need for an elaborate and costly wireless infrastructure as taught by Lee.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart**.

Regarding claim 15, Stewart meets all limitations as applied above to claim 1. Stewart further teaches that updated and pertinent information can be sent to a user based on the location of the user (see col. 7, lines 6-32), suggesting the capability of sending changed information to users. Stewart fails to expressly teach that the data changes from a first time to a second time. However, since Stewart teaches the capability of sending updated information based on the precise determined location of the user, those of ordinary skill in the art would have appreciated being able to use Stewart's system to provide changed data to users based on the current location and need of the user whenever desired in order to meet unanticipated requests of subscribers dynamically.

6. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart** as applied to claim 38 above, and further in view of **Orlen et al. (5,579,535)**.

Regarding claim 43, Stewart teaches transmitting requested information to a mobile unit's user based on the user's location(see col. 7, lines 40-49), but fails to explicitly teach wherein the device can display at least a portion of the data associated with the data perimeter when the person is in a location covered by the data perimeter.

In an analogous field of endeavor, Orlen discloses a personal communication system that provides supplemental information to subscribers in response to a request for localized and positional information, whereby at least part of received requested

information is presented to the user in a display and the information can be reviewed on an as needed basis by the subscriber (see col. 1, line 60 to col. 2, line 7, col. 8, line 26 to col. 9, line 47).

It would therefore have been obvious to one of ordinary skill in the art to provide for the use of Orlen's display with Stewart's geographic-based communication service in order to provide for the display of received information which can be stored and retrieved on an as needed basis as taught by Orlen.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jasinski (5,555,446) discloses a selective call receiver capable of requesting and receiving information services from a communication system. Huntunen et al. (6,356,761) discloses a method and arrangement for finding desired local information in a communications system. Pelech et al. (6,43,585) discloses a wireless telecommunications network having movable facilities for providing services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone

Art Unit: 2686

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA


CHARLES APPIAH
PRIMARY EXAMINER